

Please type a plus sign (+) inside this box → ☐


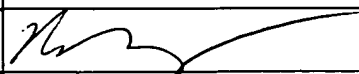
PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031

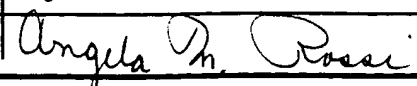
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TRANSMITTAL FORM (to be used for correspondence after initial filing) JUL 08 2002 PATENT & TRADEMARK OFFICE	Applicati n Num b r	09/923,891
	Filing Date	August 7, 2001
	First Named Inventor	Bryan
	Group Art Unit	3732
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	46739/262602

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (amended) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Request for Issuance of a Corrected Filing Receipt 2. Copies of Filing Receipt, first page of Specification, Declaration for Patent Application and Utility Patent Application Transmittal
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Bruce D. Gray, Reg. No. 35,799	
Signature		23370 PATENT TRADEMARK OFFICE
Date	6/18/02	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: 6/18/02		
Typed or printed name	Angela M Rossi	
Signature		

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/923,891	08/07/2001	O B78	5328	46739/262602	82	338	54

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ATLANTA, GA 30309COPY OF PAPERS
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Date Mailed: 05/20/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

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Richard J. Broman, Kirkland, WA;
Anthony Finazzo, Lake Forest Park, WA;
Carlos E. Gil, Sammamish, WA;
Jeffrey P. Rouleau, Redmond, WA;
Leonard Tokish JR., Issaquah, WA;RECEIVED
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Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/783,860 02/13/2001 ABN
AND IS A CIP OF 09/783,910 02/13/2001
WHICH CLAIMS BENEFIT OF 60/223,863 08/08/2000
AND CLAIMS BENEFIT OF 60/265,218 01/31/2001

Foreign Applications

If Required, Foreign Filing License Granted 09/11/2001

Projected Publication Date: 08/22/2002

Non-Publication Request: No

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ON 6-1-2002 SKB
2002 0-2

Early Publication Request: No

**** SMALL ENTITY ****



Title

Method and apparatus for stereotactic ~~impleantation~~
implantation

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Preliminary Class

600

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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IMPROVED METHOD AND APPARATUS FOR STEREOTACTIC IMPLANTATION

This application is a continuation-in-part of U. S. Patent Application Serial No. 09/783,860, filed on February 13, 2001, having the title "METHOD AND APPARATUS
5 FOR STEREOTACTIC IMPLANTATION," and a continuation-in-part of U. S. Patent Application Serial No. 09/783,910, filed on February 13, 2001, having the title "IMPLANTABLE JOINT PROSTHESIS," both of which claim benefit under 35 U.S.C. § 119(e) of Provisional U.S. Serial No. 60/223,863, filed August 8, 2000, and entitled
10 "INSTRUMENTATION AND METHOD FOR IMPLANTING A PROSTHETIC INTERVERTEBRAL BODY" and of Provisional U.S. Serial No. 60/265,218 entitled "GRAVITY ASSISTED LOCALIZATION SYSTEM," filed January 31, 2001, all of which are hereby incorporated herein by this reference.

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BACKGROUND OF THE INVENTION

1. FIELD OF THE INVENTION

15 The invention relates to methods and associated instrumentation for stereotactically locating the site of a prosthetic implant in a body, and in particular to methods and associated instrumentation for stereotactically locating and preparing the site for an intervertebral endoprosthesis, and to precisely implanting the endoprosthesis.

2. DESCRIPTION OF RELATED ART

20 The proper location of any endoprosthetic implant is a key element of the success of the implantation procedure in improving patient quality of life. In spinal implants, for example, properly locating the endoprosthesis ensures among other benefits that the patient will enjoy the full range of motion offered by the implant.

The use of intervertebral implants (arthroplasty) has, in recent years, attained
25 increasing acceptance as a preferable alternative to spinal fusion (arthrodesis) as a method for treating patients where discectomy is indicated. This is in part due to recent advances in implant technology, and in part due to the increasing appreciation of the

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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 C.F.R. 1.53(b))		Attorney Docket No. 46739/250563	
		First Inventor	Vincent Bryan
		Title Improved Method and Apparatus for Stereotactic Implantation	
		Express Mail Label No. EL603000828US	

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)

2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.

3. ☒ Specification (Total Pages 183)
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the invention
- Brief Summary of the invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 82]

5. Oath or Declaration [Total Pages 5]
a. ☐ Newly executed (original or copy)
b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*

8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS
9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

of prior application No: 09/783,860 / 09/783,910


60/265,218; 60/223,863

Prior application information: Examiner _____ Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

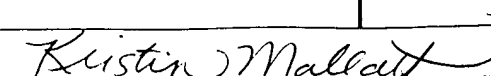
17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label


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☐ Correspondence address below

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Name (Print/Type)	Kristin D. Mallatt	Registration No. (Attorney/Agent)	46,895
Signature		Date	August 7, 2001

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DECLARATION FOR PATENT APPLICATION☒ Original☐ Supplemental☐ Substitute☐ PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPROVED METHOD AND APPARATUS FOR STEREOTACTIC IMPLANTATION

(Title of the Invention)

the specification of which (check one)

☐ is attached hereto☒ was filed on August 7, 2001 as U.S. Serial No. 09/923,891

and was amended on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) - (d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified, by checking the box below, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications			Priority Claimed		Copy submitted	
Application Number	Country	Foreign Filing Date (MM/DD/YYYY)	YES	NO	YES	NO

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below and claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No. 09/923,891

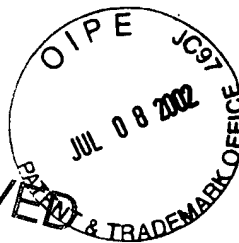
Filed: August 7, 2001

Inventors: Vincent Bryan, et al.

For: Improved Method and Apparatus for Stereotactic Implantation

Declaration for Patent Application

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Patent Application Number	Filing Date	Status (Mark Appropriate Column Below)		
		Granted	Pending	Abandoned
60/223,863	August 8, 2000		X	
60/265,218	January 31, 2001		X	
09/783,910	February 13, 2001		X	
09/783,860	February 13, 2001		X	

As a named inventor, I hereby revoke all prior powers and appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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Christopher J. Chan	44,070
Li K. Wang	44,393
John William Ball, Jr.	44,433
Dawn-Marie Bey	44,442
Tiep H. Nguyen	44,465
John M. Briski	44,562
Michael J. Dimino	44,657
Kristin L. Johnson	44,807
Paul E. Knowlton	44,842
J. Jason Link	44,874
Cheryl L. Huseman	45,392
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Jennifer R. Seng	45,851
Vaibhav P. Kadaba	45,865
Greg Moldafsky	46,514
J. Michael B. Ggs	46,563
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Geoffrey K. Gavin	47,591

Att rney and/or Agent	Registration No.
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Christopher L. Bernard	P48,234
Laura M. Kelley	P48,441
Michael A. Bush	P48,893

Earl M. Douglas

31,723

I acknowledge the above-listed attorneys and agents and their firm Kilpatrick Stockton LLP represent my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity) and in such cases do not represent me individually. I further acknowledge I have not established, nor will I seek to establish, any personal attorney/client relationship with Kilpatrick Stockton LLP in connection with this application and understand that, should I require legal representation, I will obtain such, at my expense, other than through Kilpatrick Stockton LLP.

Send Correspondence to: John S. Pratt, Esq.
Kilpatrick Stockton LLP
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Customer No. 23370



23370

PATENT TRADEMARK OFFICE

Direct telephone calls to: Bruce D. Gray, Esq. (404) 815.6218

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's signature

Date

21 Feb 02

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Citizenship USA

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Full name of second inventor Alex Kunzler

Inventor's signature

Date

2-15-02

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Full name of eighth inventor Robert Conta
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U.S. Serial No. 09/923,891

Filed: August 7, 2001

Inventors: Vincent Bryan, et al.

For: Improved Method and Apparatus for Stereotactic Implantation

Declaration for Patent Application

Page 5

R 02/02

P.

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CONFIRMATION NO. 3548

SERIAL NUMBER 09/923,891	FILING DATE 08/07/2001 RULE	CLASS 600	GROUP ART UNIT 3732	ATTORNEY DOCKET NO. 46739/262602
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APPLICANTS

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Alex Kunzler, Issaquah, WA;
Robert Conta, Mercer Island, WA;
Randy Allard, SE North Bend, WA;
Richard J. Broman, Kirkland, WA;
Anthony Finazzo, Lake Forest Park, WA;
Carlos E. Gil, Sammamish, WA;
Jeffrey P. Rouleau, Redmond, WA;
Leonard Tokish JR., Issaquah, WA;

** CONTINUING DATA *****

THIS APPLICATION IS A CIP OF 09/783,860 02/13/2001 ABN
AND IS A CIP OF 09/783,910 02/13/2001
WHICH CLAIMS BENEFIT OF 60/223,863 08/08/2000
AND CLAIMS BENEFIT OF 60/265,218 01/31/2001

** FOREIGN APPLICATIONS *****

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
** 09/11/2001

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY WA	SHEETS DRAWING 82	TOTAL CLAIMS 338	INDEPENDENT CLAIMS 54
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged Examiner's Signature _____ Initials _____				

ADDRESS

23370

TITLE

Method and apparatus for stereotactic implantation

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